IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 16.06.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice V.DHANAPALAN

Writ Appeal No.383 of 2003

1. T.Gopalsamy Naidu(died)
2.Ramakrishna Naidu
3.Maniammal
4.Krishnasamy
5.Devaraj
6.Maragadam
7.Anandi
8.Sathiyapriya

C.T accepted as per order of
Court dt.19.12.2002 made in
WAMP No.5448 of 2002 by
CJ & CNJ (Impleading Petitioners/
Proposal Appellants 3 to 8 ... Appellants/Petitioners

Vs.

1.The Government of Tamil Nadu,
rep. by the Secretary to Government,
Adi-Dravidar & Tribal Welfare
Department, Fort St. George,
Chennai-600 009.

2.The District Collector,
Coimbatore District,
Coimbatore.

3.The Special Tahsildar(L.A.),
Adi-Dravidar Welfare,
Coimbatore. ... Respondents/Respondents

Writ appeal filed under Clause 15 of the Letters Patent against the order dated 21.02.2002 made in W.P.No.9276 of 1999. Writ Petition filed under Article 226 of the Constitution of India

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praying to issue a writ of certiorari to call for the records relating to Notification Letter No.877/99 (No.8) dated 12.3.1999 published in the Government Gazette Publication of Section 4(1) Notification under Act 31 of 1978 in the Coimbatore District Gazette Extraordinary No.21, dated 15.3.1999 and award No.9/98-99 dated 30.3.1999 relating to acquisition of Petitioners land compromised in S.No.56/3 of Kondayampalayam Village, Coimbatore Taluk and to quash the same.

For Appellants : Mr.N.Ishtiaq Ahmed

For Respondents : Mr.M.Dhandapani,
Addl. Government Pleader

JUDGMENT

(Judgment of the Court was delivered by P.SATHASIVAM, J.)

The above writ appeal has been filed against the order of the learned single Judge dated 21.01.2002 made in WP No.9276 of 1999 in and by which the learned Judge upheld the acquisition proceedings initiated under Tamil Nadu Act 31 of 1978 and dismissed the writ petition.

2. Heard the learned counsel appearing for the appellants as well as the learned Additional Government Pleader for respondents.

3. The only contention raised by the learned counsel for the appellants is that even though they sought for a month's time by filing a petition on 04.03.1999 through their counsel to file their objections, without affording the said opportunity, the Land Acquisition Officer overruled the said request and submitted the papers to the District Collector, who in turn published the same in the District Gazette under Section 4(1) of the Land Acquisition Act.

4. In the light of the submission made, we have verified the award proceedings of the Land Acquisition Officer, Special Tahsildar (Adi Dravidar Welfare), Coimbatore District dated 30.03.1999. It is seen from the said proceedings that initially proposals were initiated for the acquisition of the lands under the provision of Tamil Nadu Land Acquisition Act for Adi Dravidars Welfare Scheme Act 31/78 to an extent of 0.20.0 hectares (0.50 acres of land in S.F.No.50/3 Konayampalayam Village, Coimbatore North Taluk, Coimbatore District. The notice in Form No.1 under Section 4 (2) rule 3(i) of the Act was issued to the land owners as per the office Ref. No. 129/99-A dated 11.2.1999 and the same was received by them on 18.02.1999. The enquiry was posted on 05.03.1999. It is further seen that after receipt of the said notice, the land owners

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filed a petition on 04.03.1999 through their counsel praying one month's rime to file their objections. In view of the urgency, under the provisions of the Tamil Nadu Act 31/78, the Land Acquisition Officer rejected the said request for one month's time to file their objections and the same was intimated to their counsel on the same day and adjourned the matter to next day i.e. on 05.03.1999. The proceedings further show that on the next day i.e. on 05.03.1999, neither the land owners nor their counsel attended the enquiry.

5. On the other hand, the Village Administrative Officer, Kondayampalayam, appeared for enquiry on 05.03.1999 and his statement was recorded, which shows that burial ground of Valyampalayam Adi-Dravidars was absolutely necessary and thereafter proposals for publication of notification under Section 4(1) of the Act has been sent to Collector, Coimbatore. In turn, the Collector, Coimbatore has approved the above proposals and the draft notification under Section 4(1) of the Tamil Nadu Land Acquisition Act 31/78 was published in Coimbatore District Gazette dated 15.03.1999. After the same, as per Section 5(i) of the said Act, the lands vested with the Government are free from all encumbrances from the date of publication of draft notification under Section 4(1) of the Act.

6. Though the learned counsel appearing for the appellants repeatedly argued that the Land Acquisition Officer/Adi Dravidar Welfare ought to have granted reasonable opportunity to put forth their objections, we are of the view that taking note of the public purpose, urgency and the provisions of the Tamil Nadu Land Acquisition Act, the appellants are not justified in asking a month's time to file their objections. Having filed a petition on 04.03.1999 through their counsel, the appellants could have submitted their objections, if any, on the same day. Even otherwise, even after rejection of their request, the same was intimated to their counsel and the enquiry was adjourned to next day i.e. on 05.03.1999. At least on the next day, the land owners could have attended the enquiry and submitted their objections. Admittedly, the land owners did not attend the enquiry on 05.03.1999 instead filed a writ petition before this court.

7. In view of the factual details as found in the proceedings of the Land Acquisition Officer dated 30.03.1999 and in the light of stringent provisions of the Tamil Nadu Act, we are of the view that the conclusion arrived at by the Land Acquisition Officer and the District Collector as well as the learned single Judge cannot be faulted with. On the other hand, we are in agreement with the

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said conclusion. Except the above said contention, no other contention was raised. Consequently, the writ appeal fails and the same is dismissed. No costs.

raa

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The Secretary to Government,
Government of Tamil Nadu, Adi-Dravidar
& Tribal Welfare Department, Fort St. George,
Chennai-600 009.

2.The District Collector,
Coimbatore District, Coimbatore.

3.The Special Tahsildar(L.A.),
Adi-Dravidar Welfare, Coimbatore.

1 cc to Mr.N.Ishtiaq Ahmed, Advocate, SR.25015/06
1 cc to Government Pleader, SR.25139/06

tm (co)

dv/20.6.06

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